

Amendment No. 1 to HB1275

White  
Signature of Sponsor

**AMEND Senate Bill No. 1098\***

**House Bill No. 1275**

by deleting subdivisions (b)(2) and (b)(3) in the amendatory language of Section 1 and substituting instead the following:

(2) The student admitted to the out-of-state residential mental health facility was enrolled in and attended a public school in this state for the one (1) full school year immediately preceding the student's admission to the out-of-state mental health facility, is enrolled in a public school in this state at the time of admission to the out-of-state mental health facility, and has an individualized education program (IEP);

(3) The student is admitted to the out-of-state residential mental health facility under a signed, written order of a qualified physician licensed to practice medicine after being referred by a qualified physician licensed to practice medicine in this state, the order being based upon both medical necessity and the most appropriate services for the child. An LEA may require a physician attestation form including the patient's name, the dates of admission, and the signature of the physician to be submitted to the LEA prior to disbursement of funds to the facility; and

**AND FURTHER AMEND** by deleting subdivision (b)(1)(C) in the amendatory language of Section 1 and substituting instead the following:

(C) The facility reports the attendance of each admitted student to the public school in which the student is enrolled and follows the admitted student's individualized education program (IEP) team to ensure continuity of services;

**AND FURTHER AMEND** by adding the following as a new subsection (g) in the amendatory language of Section 1:

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(g) An LEA shall only allocate funding to an out-of-state residential mental health facility pursuant to subsection (b) if there are no facilities in this state with the capacity to deliver the appropriate mental health treatment to the public school student at the time the student is admitted to the out-of-state residential mental health facility pursuant to subdivision (b)(3).

**AND FURTHER AMEND** deleting the word "and" at the end of subdivision (a)(2) in the amendatory language of Section 1.

**AND FURTHER AMEND** by deleting the period "." at the end of subdivision (a)(3) in the amendatory language of Section 1 and substituting instead "; and".

**AND FURTHER AMEND** by adding the following as a new subdivision (a)(4) in the amendatory language of Section 1:

(4) The student is not in the custody of the department of children's services.

**AND FURTHER AMEND** by adding the following as a new subdivision (b)(4) in the amendatory language of Section 1:

(4) The student is not in the custody of the department of children's services.